

Responses to Examiner's Remarks in Detailed Action

Reconsideration and continued examination of the application is respectfully requested.

Applicant notes the acknowledgement of the election of claim 2 by the Examiner, in paragraph 1 of the office action. No response is believed necessary, as this is mere acknowledgement, not argument, objection, or rejection.

Specification and Drawings:

The Examiner has styled the objections in paragraphs 2, 3, and 4 of the Office Action as objections to the drawings. Regarding paragraphs 3 and 4, Applicant has responded by amending the Specification where appropriate; in such cases, drawing changes are believed unnecessary because the issue has been corrected in the text, obviating the drawings issue.

In response to Paragraph 2, the Applicant has (1) amended Figure 1 to include a reference numeral 49, designating the area of the cavity, and (2) amended Figure 2 to show the location of the forward brake 3. Such amendments are shown in the attached Replacement Sheets (Appendix A) and Annotated Sheets (Appendix B), and are believed to satisfy the requirements of the Examiner in Paragraph 2. If additional issues are discovered, Applicant invites a telephone call for the possibility of an examiner's amendment.

In response to Paragraphs 3 and 4, Applicant has made amendments to the Specification, which are believed to fully respond to and satisfy the requirements of the Examiner regarding the drawings. Specifically, in regard to Paragraph 3, Applicant has amended the term "bulb 30" to read "gasket 30" in paragraph [0031] of the Specification; and has amended the term "heel 12" to read to "brake 12" at paragraph [0029] of the Specification. As seen from figure 5, particularly, the term "gasket 30" refers to the

entirety of the gasket body, which is referred to by its component areas, the bulb 32, and the heel 31. Thus the placement of reference numeral 30 would be correct at any location in the gasket, whether at the bulb end, the heel end, or anywhere in between. These changes are consistent with other usage in the Specification. Because of these changes in the text, no amendment to the drawing is believed to be necessary. With respect to Paragraph 4 of the Office Action, Applicant has amended paragraph [0021] of the Specification to correct "bell lip 40" to now read "bell lip 44," rendering it consistent with the terminology used for reference numeral 44 throughout. Likewise, in paragraph [0032] of the Specification, Applicant has corrected "first wall 11" to read "first wall 43." Again, these changes are believed to obviate the need for drawing correction.

Drawings

See above. Applicant has attached Replacement Sheets for Figures 1 and 2, and has made other changes to the Specification as discussed above, rendering the concerns of the Examiner satisfied by textual amendment, obviating the need for changes to the drawings. This is intended and believed to be fully responsive. If further action is required, a phone call is invited.

Claim Rejections

Claims 1 and 3 are withdrawn, but Applicant reserves the right to assert these or others in a divisional application.

The Examiner has rejected Claim 2 for indefiniteness. Applicant has made amendments to the Claim 2 in response to the examiner's rejections, and points to language to Paragraph [0032] that addresses the lexicographical concern; specifically:

With respect to Examiner's Paragraph 6,

1. In claim 2, line 3, the term "the segment" has been changed to "a segment" for proper initial usage of a term without antecedent basis in the claim.

2. In Claim 2, lines 6 and 7, the term “the locking segment” has been changed to “the segment” to match the antecedent language used elsewhere in Claim 2. With respect to the Examiner’s paragraph 7, the Examiner sought clarification of term “mure” and “muring.” Applicant respectfully points to the following language in paragraph [0032] (at lines 4-6 of that paragraph): “For the sake of clarity, Applicant notes that by the terms ‘muring’ and ‘mures’ we mean throughout this disclosure that the segment adopts a position in which further rotation is constrained by the walls.” Applicant contends that this language explains the usage. Moreover, this usage is not contrary to appropriate usage, but is supported by dictionary definitions. Applicant attaches to this paper as Exhibit C a copy of a page from a dictionary defining “mure” as “to thrust or squeeze, as against a wall.”

Claim Rejection 102

The Examiner has further rejected the application over Weber under Section 102 on the basis of anticipation. Applicant requests reconsideration of this rejection, and further prosecution, in light of the discussion below.

A. **Standard of Review: All Elements Must be Found in the Cited Reference:**

Applicant understands that the Examiner is aware of the standard of review. For the sake of the record, the standard is here stated, as Applicant believes it has not been met in the present case. The standard that applies for maintaining any rejection under section 102 is set forth by M.P.E.P. section 2131, which provides:

The claim is anticipated **only if each and every element as set forth in the claim is found**, either expressly or inherently described in a single prior art reference. Verdegaal Brothers v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). ... **“the identical invention must be shown in as complete detail as is contained in the... claim.”** Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). The elements

must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 U.S.P.Q. 2d 1566 (Fed. Cir. 1990). (Emphasis added).

The Manual therefore provides that a claim is not to be rejected as anticipated unless the purportedly anticipating reference includes both (1) all identical elements and (2) complete detail and identical arrangement of all of those elements. In this case, Miller fails to anticipate the claims as amended, as more fully explained below:

B. Application of Standard to Present Case: Missing Elements

Applicant respectfully identifies the following two elements/limitations of Claim 3 that appear to be absent from the Miller reference:

- (1) **DISTINCTION 1: Increasing radial pressure by rotating about an axis other than the fulcrum:** Subpart (c) of Claim 2 includes the limitation that increase of radial pressure exerted through the segment is effected primarily by rotating the segment about a different axis than the fulcrum. Applicant has reviewed Weber, and respectfully contends that the cited figures do not teach this limitation. First, in each of the figures referenced by the Examiner, it appears that the segment is rotating about the fulcrum (reference numeral 50). There is no indication from the cited figures that the rotation occurs about any other axis. In fact, Weber itself describes that the segment 34 pivots about the bead 50 in both insertion and extraction motions:

First, at Column 5, lines 13-14, Weber states (emphasis added by Applicant): "As spigot 3 pushes against tooth 40, *metal segment 34 pivots counterclockwise around bead 50.*" Thus, during insertion movements, the segment pivots about the bead 50 as the fulcrum.

Next, Weber states explicitly that movement in the opposite direction also is accompanied by pivoting about the bead 50 as the axis: "'However, as pipe 4 moves to the left, tooth 40 of gasket 6 digs into the outer surface of spigot 3 as *metal segment 34 tends to*

move to the left and to pivot clockwise around bead 50.” (Again, emphasis added by Applicant).

Thus, Weber not only does not show rotation about a different axis, but actually describes affirmatively that the bead 50 is the axis during both insertion and extraction of a spigot. The element taught at part (c) of Claim 2 therefore is not present in Weber.

- (2) **DISTINCTION 2: Muring between two surfaces of the bell.** Applicant has pointed the Examiner both to the discussion of the term mure in the application, and to dictionary definitions that support this understanding. With this background, Applicant respectfully suggests that Weber does not teach such muring “between the surfaces” of the bell. As is seen from the usage of the term in the Specification of Applicant, including by reference to the Figures, muring occurs in Applicant’s case, for example, when braking elbow 2 and forward brake 3 are thrust against first wall 43 and second wall 41, respectively (see paragraph [0032]). While the segment in Weber may contact the interior surface of the bell (at the bell lip and the bead 50, respectively), this is not thrusting between the two wall surfaces.

In the face of the absence of these limitations from Weber, Applicant respectfully requests that the rejection be withdrawn.

Fees

This response is timely and no fees or extensions are required.

Applicant has diligently sought to comply with all requirements and to correct all informalities and objections. The Application is believed to be in condition for allowance, and a timely Notice of Allowance is respectfully requested.

Respectfully submitted,
BRADLEY ARANT ROSE & WHITE LLP

5-24-05

Appl. No. 10/774,544
Response to Office Action of 2/24/05
Response Dated May 24, 2005

Date

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ATTACHMENTS

Appendix A: Replacement Sheets (Figs. 1 and 2)

Appendix B: Annotated Sheets (Figs. 1 and 2)

Appendix C: Definition of Mure

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Response to Office Action of 2/24/05
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Appendix A
Replacement Sheets

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Appendix B
Annotated Sheets Showing Changes

Amendments to the Drawings

The attached replacement sheets of drawings include replacement sheets for Figures 1 and 2. Applicant requests that the Figures 1 and 2 previously filed be replaced with the Replacement Sheets attached hereto.

Figure 1: Reference numeral 49 has been added, shown in underline to indicate that the reference numeral refers to the area in which it is placed, pursuant to 37 C.F.R. 1.84. The Applicant thanks the Examiner for noting the omission of this figure. Reference numeral 40 has been relocated to help clarify that the bell 40 refers to the overall structure of this area of the female pipe, as distinguished from the bell lip 44, which refers to the interiorly extending structure of the bell 40.

Figure 2: Reference numeral 3 has been added to designate the forward brake.

ATTACHMENT: Replacement sheets showing Figures 1 and 2.
Annotated sheets showing changes.

[illegible]

INSERTION

64

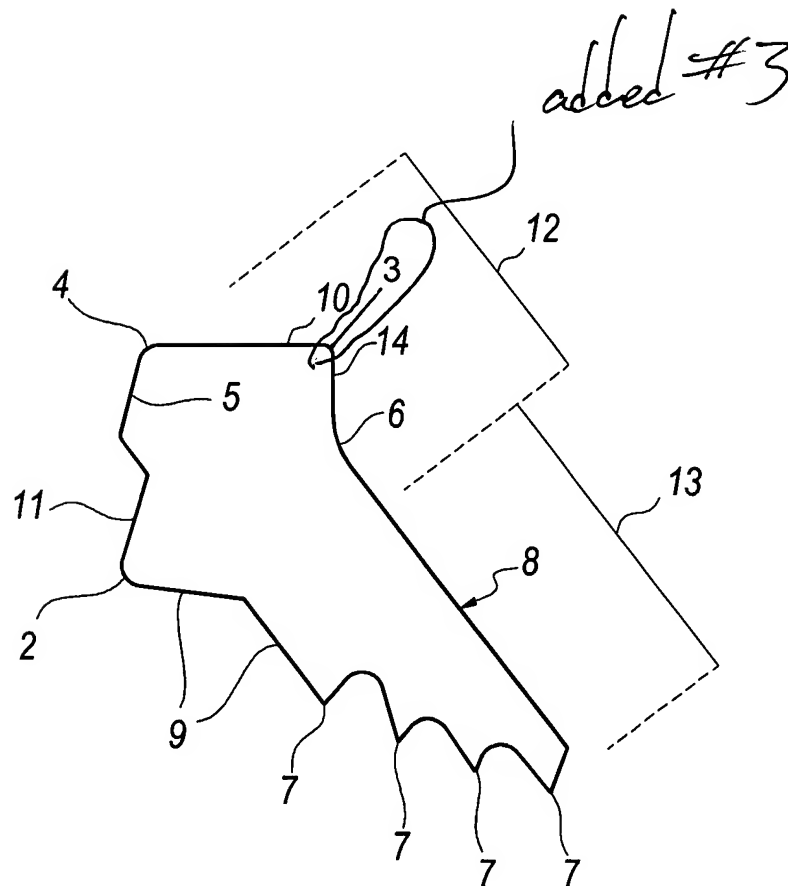


FIG. 2